



## Philippines

### Country Reports on Human Rights Practices - [2001](#)

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The Philippines is a democratic republic with an elected President, an elected bicameral legislature, and a functioning political party system. The President is Commander-in-Chief of the armed forces. On January 17, then-President Joseph Estrada's impeachment trial in the Senate was preempted after a majority of senators voted to block the introduction of certain items of evidence. Large, peaceful demonstrations in the capital over the next 3 days ended on January 20, when Estrada resigned and Vice President Gloria Macapagal-Arroyo was sworn in as President. In April Estrada was taken into custody charged with among other things economic plunder; he remained in custody at year's end. In May midterm national elections were held for the national legislature, provincial governors, and local officials. Approximately 100 persons were killed in election-related violence. A large, well funded Communist insurgency operates in various regions of the country. A large, armed Muslim separatist group operates mainly in parts of the south. A number of armed clashes took place during the year; several involved human rights abuses by insurgent, separatist, and government forces. Peace negotiations between the Government and both groups resumed after Macapagal-Arroyo assumed the presidency. Talks with the Communist insurgents were suspended following the assassination of a congressman in June, and remained suspended at year's end. In August a new cease-fire agreement between the Government and the Muslim separatist group was signed; despite intermittent clashes, the agreement remained in effect at year's end. The judiciary is independent, but suffers from inefficiency and corruption.

The Department of National Defense (DND) directs the Armed Forces of the Philippines (AFP), and the Department of Interior and Local Government (DILG) has authority over the civilian Philippine National Police (PNP). The AFP, which has primary responsibility for counterinsurgency operations, also is involved in traditional law enforcement efforts, including the pursuit of kidnapers, whose actions are a chronic criminal problem. Some members of the security forces, including police, soldiers, and local civilian militias, committed human rights abuses.

The Philippines has a market-based, mixed economy. The service sector accounts for approximately 45 percent of gross domestic product (GDP), the industrial sector 35 percent, and agriculture 20 percent. However, agriculture accounts for approximately 40 percent of total employment. Manufactured goods account for about 90 percent of annual export revenues, with electronics generating over 60 percent of overall export receipts. Weak global economic growth and reduced demand for electronics contributed to a decline of 15 percent in export revenues during the year. The main agricultural and resource-based exports include coconut oil, bananas, fresh and preserved seafood, and copper. Principal crops, most of which are consumed domestically, include corn, sugar, and rice. Overseas worker remittances, estimated at \$6 billion per year, and tourism are important sources of foreign exchange. The annual per capita GDP for the country of 78 million persons is approximately \$870, down from \$977 in 2000, reflecting the slowdown in economic growth, weak currency, and 2.36 percent population growth. Income distribution is highly skewed. According to the most recent Family Income and Expenditure Survey, the richest 30 percent of families earned 67 percent of national income, while the poorest 30 percent received approximately 8 percent. The incidence of poverty (measured as the ratio of those below the official poverty threshold to the total population) worsened during the year and approached 40 percent. The incidence of poverty is more severe in rural areas, with more than 54 percent of the rural population unable to meet basic needs. In urban centers, the incidence of poverty is approximately 25 percent.

The Government generally respected the human rights of citizens; however, there were serious problems in some areas. Members of the security services were responsible for extrajudicial killings, disappearances, torture, and arbitrary arrest and detention; there were allegations by human rights groups that these problems worsened as the Government sought to intensify its campaign against the terrorist Abu Sayyaf Group (ASG). Other physical abuse of suspects and detainees and police corruption remain problems. The Government's

Commission on Human Rights (CHR), established under the 1987 Constitution, again described the PNP as the worst abuser of human rights, although complaints against the police decreased significantly compared with 2000. Police leaders at times appeared to sanction extrajudicial killings and brutality as expedient means of fighting crime. The Government increased its efforts to stop military and police abuses; and abuses decreased somewhat. The PNP took steps to improve respect for human rights within police ranks, and strengthened internal disciplinary measures. Prison conditions are harsh. Although the Government made some efforts, it generally was ineffective in reforming law enforcement and legal institutions. Judges and prosecutors are poorly paid, overburdened, remain susceptible to corruption and the influence of the wealthy and powerful, and often failed to provide due process and equal justice. The courts were hindered by backlogs, limited resources, and a shortage of judges. Long delays in trials were common. The authorities failed to prosecute many persons who broke the law, and some persons committed abuses with impunity. The Government in some cases supported the forcible displacement of squatters from their illegal urban dwellings to make way for industrial and real estate development projects, often leading to disputes and human rights complaints; however, the practice decreased notably beginning in February when the Government suspended demolitions in poor urban areas.

The estimated 7.4 million citizens living abroad remain effectively disenfranchised because the Government has not enacted a system of absentee voting, as required by the Constitution. Some local military and police forces harassed human rights activists. The CHR, whose primary mission is to investigate complaints of human rights violations, also provides human rights training to the police, the military, other government officials, and the general public. Approximately one-third of the country's 42,000 "barangays" (neighborhoods) have Human Rights Action Centers, which coordinate with CHR regional offices. However, staffing and funding remained inadequate, and monitoring and investigation of human rights complaints remained ineffective.

Violence and discrimination against women and abuse of children continued to be serious problems. Discrimination against indigenous people and Muslims persists. The law provides for worker rights, but implementation and enforcement are weak. Child labor continues to be a problem, although the Government has increased efforts to address it. There were some reports of forced and indentured labor in the informal sector, and the use of underage workers in domestic servitude continued. Child prostitution continued to be a problem. Trafficking in women and children was a serious problem.

The New People's Army (NPA), the armed wing of the main Communist insurgent faction, and the Moro Islamic Liberation Front (MILF), the largest Muslim separatist group, both committed serious human rights abuses, including killings, kidnappings, torture, and detentions. The NPA's use of children as armed combatants and noncombatants continued to increase. The Government repatriated most noncombatants displaced during 2000 as a result of fighting between the AFP and the MILF. The terrorist Abu Sayyaf Group (ASG), which operates in southwestern Mindanao, committed numerous kidnappings and killings, including summary beheadings of hostages and local residents.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom From:

#### a. Arbitrary or Unlawful Deprivation of Life

Police and military forces committed a number of extrajudicial killings. The CHR investigated 40 complaints of extrajudicial killings through June, compared with 152 during all of 2000. The CHR includes killings by antigovernment insurgents in its investigations. The nongovernmental organization (NGO) Task Force Detainees of the Philippines (TFDP) documented 17 summary executions of civilians by government forces.

Approximately 100 persons were killed in violence related to the midterm national elections in May, including two sitting congressmen and a candidate for provincial governor. The NPA claimed responsibility for these and many other election-related killings (see Section 3).

In combating criminal organizations, police personnel sometimes resorted to summary execution of suspects, or "salvaging." Police spokesmen later claimed that these killings were an unavoidable result of the exchange of gunfire with suspects or of escape attempts. The CHR reported that members of the PNP were the perpetrators of 30 percent of the human rights violations involving deaths that it investigated through June.

In September murder charges were filed against several current and former police officers in connection with the November 2000 disappearance of a public relations agent and his driver. The agent allegedly possessed information damaging to then-President Estrada in connection with his impeachment by the House of Representatives. The bodies of the agent and driver were found in March. Two of the accused police officers

fled the country in August and were still at large at year's end.

On October 8, the United Methodist Church reported that five fishermen, including two minors, were tortured and killed in Nueva Ecija province by AFP soldiers who believed them to be members of the NPA.

In December the Government filed multiple homicide charges against seven policemen in connection with the October killing in Rizal province of four farmers the policemen believed to be NPA members.

Unknown assailants killed a human rights activist in December in Antipolo city. Police claimed the victim was a ranking member of the NPA, a charge denied by his wife. The AFP reported that the activist was killed in an encounter between the military and the NPA.

Several officials of the Bayan Muna political party were murdered during the year. In most instances, the AFP was accused, but it denied involvement and asserted that the murders were more likely part of the ongoing struggle for dominance among the country's Communist groups.

In April President Macapagal-Arroyo disbanded the PNP's Presidential Antiorganized Crime Task Force (PAOCTF), which allegedly had been involved in a number of crimes in previous years, including murder, kidnaping and illegal wiretapping. In September the Department of Justice petitioned the Supreme Court to allow it to refile multiple murder charges against former PNP Director General and PAOCTF head Panfilo Lacson and other police officers in connection with the 1995 Kuratong-Baleleng massacre. A 1995 Senate inquiry had concluded that the murders were carried out "in cold blood" by policemen closely linked to Lacson. The case was dismissed in 1999 after witnesses recanted their testimony, reportedly because of police intimidation. New witnesses came forward after Lacson was removed as head of the PNP in January.

At year's end, the Supreme Court had not ruled on the DOJ petition.

To curtail police and military abuses, the Government, working with the International Committee of the Red Cross (ICRC) and other international organizations, continued to expand human rights training programs during the year. The AFP requires human rights and humanitarian law training for all officers and enlisted personnel, including former Moro National Liberation Front combatants and for the more than 30,000 members of the Citizens Armed Forces Geographical Units (CAFGU's). The CAFGU's were implicated in many human rights abuses during previous administrations, and in a decision that was criticized by human rights NGO's, the Government in July revitalized the CAFGU program in Mindanao. The CHR also reviews and certifies the human rights records of AFP members being considered for promotion.

In October a CHR official warned Davao City officials about the alarming upsurge in summary executions of suspected drug pushers, mostly teenagers, by vigilante groups. There were reports that over 150 persons had been killed by the so-called "Davao Death Squad" since 1995, and recently the rate of killings has been increasing. In October alone, there were reports of at least 17 killings. Human rights NGO's criticized the city mayor for reading the names of alleged drug dealers on the radio; some of those named later were among those killed. The death squad reportedly is composed mostly of former NPA rebels and some former policemen. The killers reportedly earn from \$60 to \$300 (3,000 to 15,000 pesos) per victim.

A number of journalists were killed by unknown assailants throughout the year (see Section 2.a.). On January 3, a broadcaster in Aklan Province whose commentaries had focused on alleged criminal activities of local government and police officials, was shot and killed by unknown assailants. No arrest was made by year's end. On February 24, a Muslim broadcaster in Pagadian City was shot and killed by unknown assailants. No arrest was made by year's end. On May 30, a broadcaster was shot and killed by unknown assailants in Zamboanga City. His commentaries had angered local politicians and the terrorist Abu Sayyaf Group, whose leaders reportedly sent the victim death threats. Police identified a suspect but no arrest was made by year's end.

There were many unlawful killings of political figures, judges, military and police officers, and civilians by Communist insurgents, mainly the NPA. Also targeted for assassination were Government informers and former rebels who wished to leave the NPA. In October a Government spokesman said that the NPA had summarily executed at least 107 civilian noncombatants through September. A newly elected member of Congress representing Bayan Muna, a political party with close links to the Communist Party, defended NPA summary executions as legitimate "revolutionary justice." Charges were filed late in the year against NPA members for the murders of two sitting congressmen in May and June.

In January a mother and her infant daughter were killed by a fragmentation hand grenade during an NPA raid on a village in Northern Samar province.

In February a Communist labor leader who years previously had broken away from the Party was shot and killed on the campus of the University of the Philippines in Quezon City. No arrests had been made by year's end. Suspicion centers on internal issues within the victim's own organization or with other Communist rebel groups.

In May in Iloilo Province, armed members of a Communist group that had split with the Party shot and killed two NPA members as they slept. The attackers belonged to a faction that had signed a peace accord with the Government in 2000.

In July in Quezon Province, a civilian noncombatant was killed and his two daughters were injured during a PNP raid on the victim's house. Some 20 heavily armed NPA insurgents had earlier forced their way into the house to use it as temporary quarters.

In October and November, NPA "revolutionary courts" sentenced to death three persons in North Cotabato province, who were then executed. Police believe that the three victims were themselves NPA members.

In March residents of a town in Misamis Oriental province led AFP soldiers to the site of 8 mass graves with the remains of at least 75 persons, including children. The residents said the dead were victims of an internal NPA purge from 1984 to 1986.

No NPA killings from 2000 or earlier years were resolved during the year. As in the case of many extrajudicial killings, killings attributed to the NPA often remain unsolved, or are dismissed for lack of evidence.

On January 4, in Manila police arrested 16 Muslims and 1 Christian suspected of participating in 5 separate bombings on December 30, 2000. The explosions killed 20 civilians and two police officers. All but one of the suspects were released by the Macapagal-Arroyo Government; the other was charged with multiple murders. The Justice Secretary said there was no evidence to support holding those released. In September the National Bureau of Investigation (NBI) issued arrest warrants for eight additional suspects in the bombings (see Section 1.d.).

On August 28, in Lanao del Sur Province, an Irish priest who had been active in peace advocacy in Muslim areas for 20 years was shot and killed during a kidnap-for-ransom attempt. Muslim political and religious leaders strongly condemned the killing. The police, who had discounted a political or religious motivation, later named the son of a former commander of the MNLF as one of six suspects in the murder, and stated that the suspects were being protected by members of the separatist MILF.

In November supporters of Nur Misuari, the deposed leader of the MNLF, attacked AFP outposts in Sulu in an attempt to disrupt the scheduled election for a new governor of the Autonomous Region in Muslim Mindanao (see Section 3 and 5). Dozens of rebels and several soldiers were killed in the ensuing violence. Misuari's supporters took townspeople, including children, as hostages. The Government later permitted the rebels to escape, as part of a hostage release arrangement, but not until more civilians, including children, had been killed. Misuari fled to Malaysia in late November, where he was being held for illegal entry and pending deportation at year's end.

The terrorist Abu Sayyaf Group kidnaped and tortured many civilians during the year, and summarily beheaded many of its captives (see Section 1.b.).

#### b. Disappearance

Government forces were responsible for disappearances. The CHR investigated one disappearance during the year, compared with seven in 2000; the TFDP reported seven disappearances during the year. The domestic NGO, Families of Victims of Involuntary Disappearance (FIND), reported the disappearance of six suspected members of Communist insurgent groups and one political coordinator for the Bayan Muna party, which is closely linked to the Communist Party. FIND suspected the AFP in all but one of these cases; the PNP was suspected in the other case. Three of the seven were found alive, but four remained missing at year's end. FIND reported that 1,015 cases of disappearance remained unsolved; more than 55 percent of these date back to the Marcos period that ended in 1986. The Moro Human Rights Center documented four cases of involuntary disappearances involving Muslims in Basilan in June and July. In one case the AFP admitted having held the missing person but claimed to have released him. One of the alleged victims was 12 years old.

The courts and the police have failed to address complaints of victims' families concerning numerous past disappearances. FIND and Amnesty International's Manila office continued to support the efforts of the victims' families to press charges, but in most cases evidence and documentation are unavailable. Court inaction on

these cases contributes to a climate of impunity that undermines public confidence in the justice system.

In November 2000, a public relations agent and his driver disappeared. The agent allegedly possessed information damaging to former President Estrada in connection with his impeachment. The bodies of the agent and driver were found in March (see Section 1.a.).

The NPA was responsible for kidnappings and hostage takings. An AFP soldier and three civilians alleged to be AFP agents were taken hostage in September in Sultan Kudarat province and continued to be held at year's end. The National Democratic Front (the political arm of the Communist Party) has attempted to use these hostages as a bargaining tool in negotiations with the Government, and the NPA reportedly has told the Government that communications regarding the hostages should be with the Communist Party's self-exiled leadership in the Netherlands.

A PNP inspector kidnaped by the NPA in October 1999 was killed in a rescue attempt in March. An AFP officer kidnaped by the NPA in July 1999 was released in April.

The Abu Sayyaf Group again engaged in many acts of terrorism during the year. The ASG, which from time to time claims that its motivations are political or religious in order to attract sympathy for its actions, and which in the past has had links to the al-Qaida terrorist organization, appeared during the year to use terror mainly for profit. Its victims include Christians and Muslims; a Muslim captive was beheaded in October. A foreign person kidnaped by the ASG in August 2000 escaped in April. In May the ASG kidnaped 20 more persons from a resort in Palawan province; additional persons were seized in Basilan province from June through October. At year's end, the ASG still held three hostages, including two foreign nationals, and continued to engage in acts of terror.

The ASG's many kidnappings, and its proclivity for beheading many of its victims to induce the payment of ransom, led to an intense government crackdown beginning in July, when the President cited the existence of a "state of lawlessness" in Basilan. The crackdown led to the capture of many ASG members, who were charged with murder, kidnapping, and other violent crimes, and ordered held without bail.

Many human rights NGO's accused the Government of abuses committed by the military and police in their pursuit of the terrorists. In September a fact-finding mission deputized by the Deputy Speaker of the House of Representatives reported seven incidents in Basilan between July and September that resulted in the extrajudicial killing of 10 suspected ASG members by AFP personnel and armed Civilian Armed Forces Geographic Units. In addition, the fact-finding mission documented incidents of torture, arbitrary arrest and detention, and destruction of civilian homes. A separate report by a CHR Commissioner further confirmed some of these allegations, and, based on the report, criminal charges were filed against some AFP members. The CHR also issued an advisory noting reports of indiscriminate arrests and detentions in Basilan.

A new criminal-terrorist group in Mindanao, called the "Pentagon Gang" and thought to include former Muslim separatists, reportedly kidnaped an Italian priest in Zamboanga del Sur in October. The group continued to hold the priest hostage at year's end, demanding payment of ransom. There were reports that MILF leaders may also have been involved in the priest's kidnaping or continued captivity. The Pentagon Gang, which reportedly also has kidnaped local civilians, has made no pretense of having a political or religious agenda.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture, and evidence obtained through its use is legally inadmissible in court; however, members of the security forces and police continued to use torture and otherwise abuse suspects and detainees. The CHR provides the police with mandatory human rights training, including primers on the rights of suspects. However, police awareness of the rights of those in custody remains inadequate, although awareness continued to increase somewhat during the year. Common forms of abuse during arrest and interrogation included striking detainees with clubs and threatening them with guns. During the year, the police reportedly intensified efforts to dismiss abusive officers and investigate police units nationwide.

In February 136 National Police Academy cadets dismissed in July 2000 for complicity in a fatal hazing incident were reinstated upon the order of the Court of Appeals, which cited a lack of due process in the decision of the former Secretary of Interior and Local Government. The Government, while calling the Court's decision a setback in the effort to eliminate hazing, chose not to challenge the ruling. In March nine PNP Special Action Force instructors were dismissed and charged with the crime of beating and hazing trainees. The PNP reported investigating 421 human rights complaints against its personnel during the year, leading to the dismissal of 27 officers and the suspension or demotion of 32 others. Many of these officers also were charged with criminal offenses.

On January 4, police arrested 17 suspects in connection with bombings in metropolitan Manila on December 30, 2000. The explosions killed 20 civilians and two police officers. According to a CHR report, those arrested (including a 13-year-old child) were subjected to beatings intended to elicit confessions. All but one of the suspects, who was charged with multiple murder, were released by the Government; the Justice Secretary said there was no evidence to support holding the others (see Section 1.d.).

In June charges against an AFP officer and two soldiers were filed with the CHR in connection with the torture of two civilians, one of them 16 years old, in Negros Occidental province. The complainants claimed that they were kicked and dragged until they admitted being members of the New People's Army (NPA), which they later denied.

In August the PNP filed murder charges against AFP officers in the death of a policeman. The autopsy reportedly showed that the victim had been tortured.

In October the United Methodist Church reported that five fishermen, including two minors, were tortured and killed in Nueva Ecija province by AFP soldiers who mistakenly believed them to be members of the NPA.

In November charges were filed against two policemen for beating a woman in the course of a robbery investigation in Malabon City. The woman was released without charge.

The terrorist ASG kidnaped and tortured many civilians during the year, and summarily beheaded a number of its captives (see Section 1.b.).

Prison conditions are harsh. Provincial jails and prisons are overcrowded, have limited exercise and sanitary facilities, and provide prisoners with an inadequate diet. The Government reported that jails in the metropolitan Manila area were operating at 250 percent of capacity, and that 85 percent of the inmates were detainees unable to post bail. Administrators budget a daily subsistence allowance of about \$0.60 (30 pesos). Prison inmates often depend on their families for food because of the insufficient subsistence allowance. In national prisons, male and female inmates are held in separate facilities, overseen by guards of the same sex. In provincial and municipal prisons, male guards may oversee female prisoners, directly or indirectly. In Bureau of Immigration and Deportation (BID) detention facilities, male and female inmates are segregated by sex, but male guards oversee both sexes. Children in some instances are held in facilities not fully segregated from adult male inmates. There were reports that guards abused prisoners. In March Amnesty International reported that women in police custody were particularly vulnerable to sexual and physical assault by police and prison officials. Victims often were afraid to report incidents (see Section 5). There were reports that detainees at the BID detention center were released after making cash payments to guards.

Official corruption is a serious problem in the prison system. Jail administrators reportedly delegate authority to maintain order to senior inmates. The CHR reported that beatings by prison guards and other inmates were common, but prisoners, fearing retaliation, refused to lodge complaints. Some prominent prisoners and jailed celebrities receive preferential treatment. Favored inmates reportedly enjoy access to outside contacts, enabling them to trade in prostitution and drugs.

According to penal authorities, nearly 24,000 persons were incarcerated in 7 national prisons and penal farms at year's end, including 108 minors imprisoned on specific orders from the sentencing judge. Another 39,000 persons were incarcerated in more than 1,250 district, city and municipal jails, including more than 2,000 minors; nearly 92 percent of these persons had not yet been convicted of a crime. Statistics were not available for the 78 provincial and 29 subprovincial jails under the control of local government units nationwide. The Department of Social Welfare and Development (DSWD) operates 10 Regional Rehabilitation Centers for Youth Offenders. Nearly 1,300 youths, more than 98 percent of them males, were assisted in these centers during the year.

In 2000 the CHR conducted a nationwide investigation of prison facilities. Its advisory opinion cited inhuman conditions in jails and prisons in many parts of the country. The CHR stated that the Manila city jail was unfit for human habitation, housing 3,400 inmates in facilities designed to hold 1,000 inmates. Such conditions, according to the CHR, contributed to violence among inmates. It also stated that 27 inmates at the Manila jail should have been confined at a psychiatric facility and that convicted prisoners are commingled with inmates awaiting trial.

International monitoring groups and the ICRC are allowed free access to jails and prisons. There were reports that detainees at some facilities were required to pay guards in order to receive medical attention.

#### d. Arbitrary Arrest, Detention, or Exile

The Constitution requires a judicial determination of probable cause before issuance of an arrest warrant and prohibits holding prisoners incommunicado or in secret places of detention; however, police in a number of cases arrested and detained citizens arbitrarily. The CHR investigated 52 cases of illegal arrest and detention through June, compared with 132 for all of 2000. The TFDP documented 174 politically motivated arrests by the Government, the majority of which were carried out with warrants. The Government denies that there are any political detentions or detainees (see Section 1.e.).

Detainees have the right to a judicial review of the legality of their detention and, except for offenses punishable by a life sentence or death (when evidence of guilt is strong), the right to bail. Authorities are required to file charges within 12 to 36 hours of arrests made without warrants, depending on the seriousness of the crime for which the arrest was made. Due to the slow judicial process, the court system is unable to ensure expeditious trials for detained persons (see Section 1.e.).

In the aftermath of the May 1 uprising against the Government and President Macapagal-Arroyo's declaration of a state of rebellion, police made at least 100 warrantless arrests; human rights NGO's accused the Government of arbitrarily rounding up young men in poor urban areas of the capital. The Government also filed rebellion charges against key opposition leaders for inciting the uprising. These included Senator Juan Ponce Enrile and former Senator Ernesto Maceda, both of whom were permitted to post bail. At year's end, the Government did not appear to be actively pursuing the cases against Enrile and Maceda.

In July the CHR issued an advisory noting reports of indiscriminate arrests and detentions in connection with the Government's crackdown on the terrorist ASG (see Sections 1.b. and 4).

Of the 26 Muslim suspects arrested in connection with fatal bombings in May 2000 in Metro Manila, 24 were released on their own recognizance in February; the other 2 suspects were released on bail. Their cases remained open at year's end.

On January 4, police arrested 16 Muslims and 1 Christian in connection with 5 separate bombings on December 30, 2000. The explosions killed 20 civilians and two police officers (see Section 1.a. and 5). According to a CHR report, those arrested (including a 13-year-old child) were subjected to beatings intended to elicit confessions. It was later discovered that many of those arrested were not listed in the arrest warrant. All but one of the suspects, who was charged with multiple murder, were released by the Government; the Justice Secretary said there was no evidence to support holding the others. The Government also dropped charges filed by the Estrada administration against the top leaders of the MILF in connection with the same bombings. In September the National Bureau of Investigation issued arrest warrants for 8 additional suspects in the bombings.

The NPA and MILF were responsible for a significant number of arbitrary arrests and detentions, often in connection with informal courts set up to try military personnel, police, local politicians, and other persons for "crimes against the people" (see Section 1.e.).

Forced exile is illegal and the Government does not use it.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, the judicial system suffers from corruption and inefficiency. Personal ties undermine the commitment of some government employees to ensuring due process and equal justice, resulting in impunity for wealthy and influential offenders.

The national court system consists of four levels: Local and regional trial courts; a national Court of Appeals divided into 17 divisions; a 15-member Supreme Court; and an informal local system for arbitrating or mediating certain disputes outside the formal court system. The Sandiganbayan, the Government's anticorruption court, hears criminal cases brought against senior officials. A Shari'a (Islamic law) court system, with jurisdiction over domestic and contractual relations among Muslim citizens, operates in some Mindanao provinces.

The Constitution provides that those accused of crimes be informed of the charges against them, have the right to counsel, and be provided a speedy and public trial. Defendants are presumed innocent and have the right to confront witnesses against them, to present evidence, and to appeal convictions. The authorities respect the right of defendants to be represented by a lawyer, although poverty often inhibits a defendant's access to effective legal representation. The Public Attorney's Office (PAO) is staffed by highly skilled and motivated defense lawyers, but the workload is great and resources are scarce. The PAO provides legal representation for all indigent litigants at trial; however, during arraignment, courts may at their option appoint

any lawyer present in the courtroom to provide counsel to the accused. During the year, the PAO handled more than 1.1 million judicial cases and an additional 3.7 million mediation cases.

Legal experts inside and outside the justice system criticize personal and professional relationships between some judges and individual or corporate litigants. Some lawyers act as "case fixers," gaining the favor of judges and other court officials and allegedly bribing some witnesses. It is illegal to settle a criminal case out of court, but the practice of reaching an "amicable settlement" in which the prosecution drops charges is routine. Such settlements may result in impunity for wealthy or influential defendants.

According to the Constitution, cases are to be resolved within set time limits once submitted for decision: 24 months for the Supreme Court; 12 months for the court of appeals; and 3 months for lower courts. There are no time limits for trials. Because of numerous technical delays and the frequent failure of judges and prosecutors to appear, trials may last many months.

The pace of the judicial process is slow. The court system is unable to ensure expeditious trials for detained persons. There is a widely recognized need for more prosecutors, judges, and courtrooms. Of the more than 2,100 trial court judgeships nationwide, 34 percent remained vacant at year's end due to a lack of qualified applicants. Vacancies in Mindanao and other poorer provinces particularly are unattractive to many jurists. The situation was most critical in western Mindanao, where only 17 of the 54 judgeships were filled, and in the Shari'a courts, where only 18 of the 56 district or circuit courts had judges. Judges' salaries often are considered low in comparison with salaries in other occupations, and low pay renders both judges and prosecutors susceptible to corruption.

Officials in the Labor and Social Welfare Departments claim that prosecutors often fail to follow up on cases involving child labor violations (see Section 6.d.).

In July the Secretary of Justice ordered an investigation of the use of fraudulent court documents to gain the release of several inmates from the main national prison.

International and domestic NGO's, citing persistent deficiencies in the judicial system, have consistently criticized many court proceedings that resulted in death sentences, stating that the judicial system does not ensure the rights of defendants to due process and legal representation. At times defendants in death penalty cases lacked adequate legal representation at the time of arrest, indictment, or at trial. By law the Supreme Court reviews all death sentences. In April senior government officials announced a moratorium on the use of the death penalty; however, in October the President said it was her duty to uphold the law in cases affirmed by the Supreme Court.

Indemnification claims for alleged human rights abuses during the Ferdinand Marcos era, which ended in 1986, remain unresolved.

Although Shari'a courts do not have criminal jurisdiction, the MILF asserts that its Islamic law courts do. There were no reports of executions resulting from MILF court decisions during the year.

The NPA continued to subject military personnel, police, local politicians, and other persons to its so-called courts for "crimes against the people" and to execute some of them.

Various human rights NGO's maintain lists of incarcerated persons they allege to be political prisoners; numbers usually range from 75 to over 250. Typically there is no distinction in these lists between detainees and prisoners, and the majority of persons on these lists have not been convicted. Some face murder, kidnaping, and other serious charges, but many are charged with possession of drugs or firearms, which some NGO's assert is a sign of planting of evidence by the police. The Government denies that there are political detainees or prisoners, and maintains that all incarcerated persons have been convicted of or charged with common crimes. There are differences of opinion even within the CHR; some members of the commission believe that certain persons are incarcerated for political reasons, but other members believe that the same persons are guilty of common crimes. The Government in fact uses the NGO lists in the conduct of its pardon, parole, and amnesty programs.

In January the self-exiled leader of the Communist Party demanded that the Government free all political prisoners, and in return offered to begin negotiations for the release of an AFP officer and a PNP inspector kidnaped by the NPA in July and October 1999, respectively (see Section 1.b.). During the year, the President approved the pardon, parole, or release on bail of more than 75 persons, many of whose names were included on the various NGO lists. Included were the 26 Muslims arrested in connection with the fatal bombings in May 2000 (see Section 1.d.).



In September a regional trial court in Quezon City ordered the release of an NPA commander to the custody of his lawyer. The accused had been detained since November 1999 in connection with the kidnaping of two AFP officers, including a general, that year. He also has been linked to the massacre of 50 civilians in Davao del Sur in the late 1980's.

The Government permits access to alleged political prisoners by international humanitarian organizations.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides that a judge may issue search warrants on a finding of probable cause; however, while restrictions on search and seizure within private homes generally are respected, searches without warrants do occur. Judges declared evidence obtained illegally to be inadmissible.

In August the Ombudsman ordered an investigation into allegations that Estrada-era police chief Panfilo Lacson (who was elected to the Senate in May) and other police officials conducted illegal wiretaps of House prosecutors and Senators during the impeachment trial of then-President Estrada. In September the PNP filed charges against Lacson and several other police officers, and the Senate held hearings into that and other allegations against Lacson.

The forcible displacement of urban squatters to make room for infrastructure and commercial developments continued during the year. However, beginning in February the practice declined notably when the Government suspended demolitions in poor urban areas. There were fewer incidents of forcible displacement, and in most cases, the Government provided relocation sites as required by law. However, the NGO Ecumenical Commission for Displaced Families and Communities (ECDFC) reported that in March, 100 squatter families were displaced in a demolition of housing on government property in Quezon City. Squatters make up at least 30 percent of the country's urban population. The law provides certain protections for squatters; eviction is often difficult, especially because politicians recognize squatters' voting power.

Of the nearly 1 million persons displaced in 2000 during clashes in Mindanao between the AFP and the MILF, approximately 80,000 to 100,000 still had not returned to their homes as of November because of lack of housing or because of security concerns (see Section 1.g.).

#### g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

There were some clashes during the year between the AFP and the main remaining Muslim separatist group, the MILF. However, there were fewer attacks than in 2000. In August a cease-fire agreement was signed, and, despite intermittent clashes, the agreement was still in effect at year's end. Direct talks were stalled, but both sides reportedly were working to resume negotiations. The MILF reportedly recruits children to serve as reserve forces (see Section 5).

Of the nearly 1 million persons displaced in 2000 during clashes in Mindanao between the AFP and the MILF, approximately 80,000 to 100,000 still had not returned to their homes by November because of lack of housing or because of security concerns. The Department of Social Welfare and Development (DSWD) reported that all but 3 of its nearly 500 evacuation centers that were established in connection with the clashes that took place during 2000 were closed by year's end. DSWD also reported that more than 3,100 housing units out of 12,000 planned housing units had been constructed in war-torn areas of Mindanao during 2000 and 2001 (see Section 2.d.).

During the year, the Communist NPA killed political figures, judges, military and police personnel, and civilians, including former rebels who wanted to leave the NPA. In June the assassination of a sitting congressman led the Government to call off peace talks with the National Democratic Front, the political arm of the Communist Party. The NPA also mounted armed attacks on businesses and burned buses and cellular telephone sites to enforce the collection of "revolutionary taxes." The NPA continued to actively recruit minors both as combatants and noncombatants (see Section 5).

The terrorist Abu Sayyaf Group kidnaped and tortured many civilians during the year, and beheaded a number of its captives. To combat the ASG the Government, among other measures, revitalized the CAFGU's program. The CAFGU's had been guilty of many human rights abuses in the past. In July the CHR issued an advisory noting reports of indiscriminate arrest and detentions in connection with the Government's crackdown on the ASG (see Sections 1.a. and 1.b.).

#### Section 2 Respect for Civil Liberties, Including:

#### a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice.

There continued to be a number of violent incidents directed at journalists throughout the year: On January 3, a broadcaster who had focused on alleged criminal activities by local civil and police officials was killed in Aklan province, no arrests were made in the case by year's end. On February 2, two hand grenades exploded at the office of the director of the National Press Club; police had no suspects. On February 24, a Muslim broadcaster in Pagadian city was shot and killed by unknown assailants. On May 30, a broadcaster was shot and killed in Zamboanga City. Police reportedly had identified a suspect but no arrest had been made by year's end. On June 1, the home of a photojournalist in Tarlac City was strafed with gunfire. On June 6, a radio station in Bacolod was bombed, injuring two persons. There were no suspects or arrests in the two June incidents.

There have been no developments in the 2000 killing of a radio journalist in Pagadian, Zamboanga del Sur; the two bomb explosions in February 2000 outside a Catholic-run radio station in Cotabato City; or December 2000 bomb explosion in the home of a radio broadcaster in General Santos City.

The National Press Club, the Center for Media Freedom and Responsibility, and the Philippine Press Institute are all active in investigating cases of violence and harassment against journalists.

In May the Supreme Court ruled unconstitutional a legislated ban on the publication of election surveys during the 15 days prior to an election. Also in May, President Macapagal-Arroyo signed a law lifting a ban on political advertising.

The Government respects academic freedom.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for the freedoms of assembly and association, and the Government generally respects them in practice.

On May 1, a violent crowd stormed the Presidential Palace. President Macapagal-Arroyo declared a State of Rebellion, and the Government arrested more than 100 persons, some without warrant. Among those arrested was an incumbent Senator. On May 2, the CHR issued an advisory upholding the President's authority to determine the existence of a state of rebellion. The State of Rebellion declaration was lifted on May 6. On May 9, the Supreme Court dismissed constitutional challenges to the declaration and to the legality of the warrantless arrests.

#### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respects this right in practice.

Muslims, who are concentrated in the most impoverished parts of western Mindanao, claim economic discrimination, reflected in the Government's failure to provide sufficient funding to stimulate southwestern Mindanao's sluggish economic development. In the latter part of the year, the Government increased its efforts to stimulate economic development in the south. The Government solicited foreign aid specifically targeted at the Autonomous Region of Muslim Mindanao and other areas of Muslim concentration, in part as a means of addressing the terrorist threat. Leaders in both Christian and Muslim communities contend that economic disparities and ethnic tensions, more than religious differences, are at the root of the modern separatist movement that emerged in the early 1970's.

Intermittent government efforts to integrate Muslims into political and economic society have achieved only limited success to date. Many Muslims claim that they continue to be underrepresented in senior civilian and military positions, and have cited the lack of proportional Muslim representation in the national government institutions (see Section 3). During the year, there was an increase in Muslim political representation, with 1 Muslim heading a Cabinet department, 2 serving as Cabinet-level presidential advisers, and 9, an increase of 2 members over the previous Congress, serving in the 214-member House of Representatives.

The Code of Muslim Personal Laws recognizes the Shari'a civil law system as part of national law; however, it does not apply in criminal matters, and it applies only to Muslims. Some Muslim religious leaders (ulama)

argue that the Government should allow Islamic courts to extend their jurisdiction to criminal law cases. Some ulama also support the MILF's goal of forming an autonomous region governed in accordance with Islamic law.

In June 2000, following persistent reports that troops operating against Muslim separatists in Mindanao had desecrated mosques, the Secretary of National Defense ordered the AFP to refrain from such action. The Department of National Defense issued code-of-conduct instructions that included provisions that military offensives could not be begun during Muslim prayer hours "unless absolutely required." In July President Macapagal-Arroyo issued strict instructions to the military that mosques were not to become targets and no mosques were to be entered in pursuit of suspects.

In October the Philippine Military Academy announced plans to erect a mosque on campus to allow Muslim cadets (10 out of a total student body of 700) a place to worship and to enhance cultural awareness of Islam for all cadets. The Government also declared the last day of Ramadan (Eid al-Fitr) a national holiday. In November the Department of Education, Culture, and Sports directed that schools ensure that the religious rights of students be protected, and specifically that Muslim students be allowed to wear their headdress ("hijab") and that Muslim girls not be required to wear shorts during physical education classes.

The ASG, which from time to time makes claims to a political or religious motivation, continued to engage in terrorism for profit. Its victims included both Christians and Muslims. A Muslim captive was beheaded in October (see Sections 1.a. and 1.b.).

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respects them in practice. Citizens enjoy the freedom to change their places of residence and employment. Travel abroad is limited only in rare circumstances, such as when a citizen's court case is pending. Government authorities discourage travel by workers deemed vulnerable, such as young women, to areas in which they face personal risk (see Section 6.f.). The Philippine Overseas Employment Administration (POEA) seeks to limit departures for work abroad to those persons whom the POEA certifies as qualified for the jobs. An estimated 7.4 million citizens work overseas and remit money home. Such remittances amount to nearly 10 percent of the gross national product.

Beginning in February, the practice of forcible displacement of urban squatters to make room for infrastructure and commercial developments declined notably when the Macapagal-Arroyo Government suspended demolitions in poor urban areas (see Section 1.g.).

Of the nearly 1 million persons displaced in 2000 during clashes in Mindanao between the AFP and the MILF, approximately 80,000 to 100,000 still had not returned to their homes as of November because of lack of housing or because of security concerns. The ECDFC estimated that approximately 94,000 persons were displaced during the year due to fighting with Islamic separatist groups or the terrorist ASG, and that a substantial minority remained displaced as of November. The Government still operates approximately 75 evacuation or displaced persons centers in predominantly Muslim areas of Mindanao set up in connection with clashes during the year (see Section 1.g.).

There is no comprehensive legislation that provides for granting refugee and asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Refugee Unit in the Department of Justice determines which asylum seekers qualify as refugees; such determinations in practice implement many of the basic provisions of the 1951 U.N. Convention.

The Government provides first asylum.

The Government continued to allow approximately 1,800 asylum seekers from Vietnam to remain in the country. All had been precluded from refugee status. Most live on Palawan Island or in major urban areas. There is significant popular support, particularly from the Roman Catholic Church, for allowing permanent residency for those asylum seekers who do not wish to repatriate and are ineligible for resettlement in other countries. The Government continued to encourage voluntary repatriation of such asylum seekers, but has not ruled out forcible repatriation.

There were no reports of the forced return of persons to a country where they feared persecution.

#### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise

this right through periodic elections that largely are free and fair and held on the basis of universal suffrage. However, Congress has yet to enact a system for absentee voting, which is required by the Constitution, affecting an estimated 7.4 million eligible voters, or about 10 percent of the electorate, most of whom are expatriates.

In May midterm elections were held for new senators, representatives, provincial governors, and local government officials. Approximately 100 persons were killed in election-related violence, including two sitting congressmen and a candidate for provincial governor (the NPA claimed responsibility for these and many other election-related killings), and another 140 persons were wounded in more than 200 incidents in the period preceding and following the mid-May voting. The Communist NPA sharply raised its "access fee" to candidates who attempted to campaign in remote areas.

In August a plebiscite was held on the question of expanding the Autonomous Region in Muslim Mindanao (ARMM). One new province, Basilan, and one new city, Marawi, voted to join Lanao del Sur, Maguindanao, Sulu, and Tawi-Tawi provinces in the ARMM. In November ARMM voters chose a new regional governor in an election marred by violence allegedly instigated by the outgoing governor, Nur Misuari (see Section 5). The Government filed rebellion charges against Misuari, who fled to Malaysia where he was placed under arrest pending extradition.

The Senate impeachment trial of President Estrada on charges of bribery, graft and corruption, betrayal of public trust, and culpable violation of the Constitution, was preempted on January 17 after a majority of senators voted to block the introduction of certain items of evidence. Large, peaceful demonstrations in the capital over the next 3 days ended on January 20, when Estrada resigned and Vice President Gloria Macapagal-Arroyo was sworn in as President. After the national elections on May 14, the political coalition of President Macapagal-Arroyo held a wide majority in the House of Representatives and a working majority in the Senate.

There are no restrictions in law or practice on participation by women and members of minorities in politics; however, the percentage of women in government and politics does not correspond to their percentage of the population. The President is a woman. At year's end, there were 5 female cabinet-level officials. There are 3 women in the 24-member Senate and 37 women in the 214-member House of Representatives. There are 3 women on the 15-member Supreme Court.

Along with many other citizens, Muslims argue that the method of election of senators from a nationwide list favors established political figures from the Manila area, to the disadvantage of Muslims. Election of senators by region would require a constitutional amendment; many Muslims and members of other disadvantaged groups who are underrepresented in the national legislature favor such an amendment. There is one Muslim cabinet member, and two Muslim senior presidential advisers. There are no Muslim senators. The House of Representatives has nine Muslim Members, including some elected from Christian majority districts.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A large, diverse, and extremely active group of human rights NGO's generally operate without government interference, investigating and publishing their findings on human rights cases. Many government officials, including those of the CHR, are responsive to NGO views. Many domestic NGO's were critical of the Estrada administration's human rights record; these NGO's also criticized previous presidents' human rights records. While acknowledging that respect for human rights has improved under current President Macapagal-Arroyo, many NGO's criticized the Government for allegedly overzealous efforts to defeat the terrorist ASG. These groups cited indiscriminate arrests, torture of suspects, and the arming of civilians to reinforce the security forces. They also accused the Government of disregarding evidence they believed pointed to collusion between the AFP and the ASG. President Macapagal-Arroyo denied any wrongdoing by the AFP. Late in the year, the Senate held hearings on the collusion allegations; at year's end, it had not reported its findings.

Member organizations of the Philippine Alliance of Human Rights Advocates, a leading NGO network, effectively monitor human rights problems and seek redress through their contacts with government agencies, the Congress, and the Government's Commission on Human Rights. Human rights activists continued to encounter minor harassment, mainly from police or military units or detachments based in the locality in which incidents took place.

CHR monitoring and investigation of human rights complaints remained ineffective. Approximately one-third of the country's 42,000 barangays (neighborhoods) have Human Rights Action Centers, which coordinate with CHR regional offices. However, staffing and funding for the CHR's regional and subregional offices remained inadequate and CHR monitoring and investigation of human rights complaints remained ineffective.

## Section 5 Discrimination based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination against women, children, and members of minorities; however, implementation of constitutional protections is hindered by the lack of specific regulations and by budgetary constraints.

### Women

Violence against women, particularly domestic violence, remains a serious societal problem. The law does not specifically address the problem of domestic violence; complaints of domestic violence are filed under the charge of "physical injury." Statistics are not disaggregated to indicate the number of physical injury cases that result from domestic violence. The Department of Social Welfare and Development assisted an average of seven women per day who complained of domestic abuse, not including rape. Public attention on domestic violence increased in December, with the suicide of a famous actress whose husband, a former governor and congressman, reportedly had abused her for years.

Women's advocates cite double standards of morality and a traditional societal reluctance to discuss private family affairs as some of the reasons for domestic violence. The absence of divorce under the law and limited job opportunities combine to limit the ability of both poor and wealthy women to escape destructive relationships.

The PNP and the DSWD both maintain women's help desks to assist victims of violence against women and to encourage the reporting of crimes. With the assistance of NGO's, officers received gender sensitivity training to deal with victims of sexual crimes and domestic violence. Many PNP stations included female officers.

The law provides for the death penalty in cases of rape; nonetheless, rape continued to be a major problem. Spousal rape and abuse also are illegal, but enforcement is ineffective. The PNP reported that it investigated more than 2,600 cases of rape during the year; most of the alleged perpetrators were arrested. Some women's groups stated that courts' imposition of death sentences for rape convictions may inhibit some victims, particularly relatives of the accused, from pressing charges. Of nearly 1,900 prisoners sentenced to death, 52 percent were convicted of rape. There has been only one conviction for marital rape.

Many women suffer exposure to violence through their recruitment, often through deception, into prostitution (see Section 6.f.). Although illegal, prostitution remains widespread. A 1998 International Labor Organization (ILO) study estimated that 500,000 women are engaged in prostitution within the country. Most prostitutes work independently or in small brothels rather than in prominent "entertainment clubs." Penalties for the offense are light, but detained prostitutes are subjected to administrative indignities. There were reports of sexual exploitation of children (see Sections 6.c. and 6.f.). The Antivagrancy Act often is used by police officers as a pretext to extort money from prostitutes; those unable to pay may be subjected to sexual abuse. In March Amnesty International reported that women in police custody were particularly vulnerable to sexual and physical assault by police and jail officials. Victims often were afraid to report such incidents (see Section 1.c.).

Local officials condone a climate of impunity for those who exploit prostitutes--both the entertainment club owners and their patrons. Highly publicized official campaigns to close clubs and brothels fail to rescue young women from the abuse because the offending establishments usually are operating again a few days after such raids. The penalties for exploiting women for prostitution are not considered sufficient to deter those who engage in such activities.

The DSWD continued to provide temporary shelter and counseling to women engaged in prostitution, but officials believe that this helped only a small number of victims of illicit recruitment (see Section 6.f.). DSWD officials noted that the number rescued failed to reflect the true extent of the prostitution problem since it reflected only those who obtained temporary shelter and counseling through the DSWD and local governments. NGO's argue that the Government first should address the abuses of dislocation and homelessness in order to address effectively the problem of women's exposure to the structural violence inherent in prostitution.

Sex tourism is a serious problem, but few steps have been taken to end the practice. Hotel and travel industry leaders continued to refuse to honor their pledges to cooperate with a code endorsed by international tourism groups to stop sex tourism.

Trafficking in women and children for sexual exploitation and forced labor are problems (see Sections 6.c. and 6.f.).

Sexual harassment in the workplace also continues to be a problem. It is thought to be widespread yet underreported due to victims' fear of losing their jobs. Harassment of nonprofessionals by managers is thought to be a common practice in many sectors. Female employees in special economic zones (SEZ's) are particularly at risk, as most are economic migrants who are required to work long hours and have no independent workers organization to assist with filing complaints. Women in the retail industry work on 3- to 5-month long contracts, and although many admit to rampant harassment, they do not report it for fear their contracts will not be renewed. Women hired as contractual employees without benefits in the pressing and sewing industry are subjected to long hours in inadequately ventilated facilities.

In law but not always in practice, women have most of the rights and protections accorded to men. Unemployment rates for women are consistently higher than for men. Women's salaries averaged about 47 percent lower than their male counterparts'. Women continued to face some discrimination in employment. More women than men enter secondary and tertiary education.

The National Commission on the Role of Filipino Women (NCRFW), composed of 10 government officials and 10 NGO leaders appointed by the President, acts as an oversight body whose goal is to press for effective implementation of programs benefiting women.

Church opposition to divorce is strong in this predominantly Roman Catholic nation. The law does not provide for divorce, although the courts generally recognize the legality of divorces obtained in other countries. Annulment is an option for those seeking a legal means for ending a marriage. However, the process is cumbersome and costly, which precludes annulment as an option for many women. Most lower income couples simply separate informally without severing their marital ties. The Family Code provides that in child custody cases resulting from divorce in another country, annulment, or illegitimacy, children under the age of seven are placed in the care of the mother unless there is a court order to the contrary. Children over the age of seven normally also remain with the mother, although the father can dispute custody through the courts.

#### Children

The Government, through several agencies, devotes considerable resources to the education, welfare, and development of children. For example, the Department of Education has by far the largest budget of any cabinet department. Nevertheless, children faced serious problems.

Primary education is free and compulsory. During the year, 96 percent of school-age children were enrolled in elementary school and 72 percent in secondary school. However, family poverty forces many children throughout the country to drop out of school; only about 65 percent of children complete sixth grade, and the overall graduation rate (students who start elementary school and graduate from secondary school) was 50 percent. Public primary and secondary schools are free of tuition charges; however, poor families are unable to meet costs for uniforms, school supplies, shoes, and transportation. During the year, the Government ended the practice of schools soliciting a "voluntary" contribution at the time of school registration, which resulted in a significant increase in school enrollment. The Asian Development Bank has expressed concern over a growing inequity in educational opportunities for the poor as public spending per pupil declines. In the 1980's, public spending covered 80 percent of the cost of elementary education; however, according to government estimate, this share has declined to less than 60 percent.

In 2000 an NGO estimated that 30 to 40 percent of preschool children in the five-province Autonomous Region in Muslim Mindanao suffered from malnutrition. Most of the children were in villages in Maguindanao, Lanao del Sur, and Tawi-Tawi provinces, the scene of heavy insurgent combat. According to the latest UNICEF data, at the end of 1999, 28 percent of children under age five nationwide were moderately or severely underweight.

Widespread poverty forces many young children to work. According to UNICEF and ILO studies, some 2 million children were exposed to hazardous working environments, such as in quarries, mines, and at docksides in order to earn their living (see Section 6.d.). Sexual exploitation and trafficking in children for the purpose of sexual exploitation are problems. It is estimated that approximately 60,000 children are involved in the commercial sex industry (see Sections 6.c., 6.d., and 6.f.).

The Government estimates that there are as many as 200,000 street children nationwide, half of them in the greater Manila area. Welfare officials believe that the number is increasing as a result of widespread unemployment in rural areas. Many street children appear to be abandoned children engaged in scavenging or begging. In September an ILO-sponsored report stated that children as young as 5 years old were involved in the production and sale of illegal narcotics. In February police arrested a 9-year-old working as a drug courier.

Greater public awareness has eroded traditional reluctance to report abuses against children. DSWD offices

served nearly 7,500 victims of child abuse during the year, 73 percent of whom were girls. Some 60 percent of the girls were victims of sexual abuse, while the majority of the boys had been abandoned or neglected. The problem of foreign pedophiles continued to be reported in the press, and the Government continued to prosecute accused pedophiles.

In May a Member of Congress who had been convicted and sentenced to two life terms in prison in 1997 for the 1996 rape of an 11-year-old girl, was reelected for the second time since his initial conviction. In November the Supreme Court reaffirmed the conviction. Congressional leaders said they would wait until the Court's ruling became final before initiating expulsion procedures.

The family court system expedites juvenile and domestic relations cases and serves to strengthen safeguards against the sale and trafficking of children abroad. The Supreme Court promulgated rules designed to avoid trauma to child witnesses, which took effect in January. The rules permit nonlawyers to pose questions, allow the child to have companions of her own choosing present, provide for the exclusion of persons not having a direct interest in the case, and permit use of videotaped testimony and one-way mirrors.

The NPA continues to actively target youths for recruitment as combatants and noncombatants. Policy guidelines of the Communist Party/National Democratic Front state that minors may serve in noncombat positions. The NPA claims that members from 15 to 18 years of age are assigned to self-defense and noncombat duties and that in the event of "enemy aggression or encroachment" weapons would be distributed to the oldest children first. Early in the year, the military claimed that children age 12 to 16 made up 13 percent of the NPA's fighting force. UNICEF believes that the rate of recruitment of child soldiers by the NPA has increased, despite denials by NPA political leaders in the Netherlands. In September a former NPA member, recruited at age 13 and carrying a weapon by the time she was 15, told reporters that the NPA had deceived her into believing that the Government was "nothing but evil." A 12-year-old former NPA member said that he cooperated with the NPA against his will because "I feared for my family, they said they would skin them alive."

According to domestic and international NGO's, the MILF recruited children as young as 12 years of age to serve as reserve forces.

In November the Government adopted a Comprehensive Program Framework for Children in Armed Conflict, encompassing prevention, advocacy, rescue, and reintegration. The Government noted that children accounted for many of the casualties and captured elements during military-insurgent clashes, that many of the children recruited by the NPA and by the MILF came from indigenous communities, that some of the children were forcibly recruited or abducted, and that girl recruits were at risk for sexual exploitation.

#### Persons with Disabilities

The law provides for equal physical access for persons with disabilities to all public buildings and establishments and for "the rehabilitation, self development, and self-reliance of disabled persons and their integration into the mainstream of society." The law applies to both those with physical disabilities and persons with mental disabilities. The Department of Labor and Employment's (DOLE) Bureau of Local Employment (BLE) maintains registers of persons with disabilities indicating their skills and abilities. BLE monitors private and public places of employment for violations of labor standards regarding persons with disabilities, and also promotes establishment of cooperatives and self-employment projects for persons with disabilities.

However, advocates for the rights of persons with disabilities contend that the law has been ineffective because implementing regulations are weak, funding is inadequate, and government programs are palliative rather than focused on integration. Among other things they have called for more government jobs and more positions at public universities for persons with disabilities. Reportedly only about 2 percent of an estimated 3.5 million citizens with disabilities receive access to services.

#### Indigenous People

Indigenous people live throughout the country but primarily in the mountainous areas of northern and central Luzon and Mindanao. They account for about 16 percent of the national population. Although no specific laws discriminate against indigenous people, the remoteness of the areas that many inhabit and cultural bias prevent their full integration into society. Indigenous children suffer from lack of basic services, health, and education. Because they inhabit mountainous areas also favored by guerrillas, indigenous people suffer disproportionately from counterinsurgency operations. Members of the Aeta tribe asserted that government soldiers had converted their school in to a military camp, among other abuses. In July the Governor of Pampanga province called on the military to investigate.

The 1997 Indigenous Peoples' Rights Act, which was intended to implement constitutional provisions to protect indigenous people, established a National Commission on Indigenous People (NCIP), which is staffed by tribal members empowered to award certificates of title to lands claimed by over 12 million indigenous people in the country. It awards such "ancestral domain lands" on the basis of communal rather than individual ownership, impeding sale of the lands by tribal leaders. The law requires a process of informed consultation and written consent by the indigenous group to allow mining on tribal lands. The law also assigns the indigenous groups the responsibility to preserve forest, watershed, and biodiversity areas in their domains from inappropriate development. However, the Government has been slow to implement the legislation, because of strong opposition from mining and agribusiness interests. In March President Macapagal-Arroyo distributed land titles to 600 families of the Manobi tribe in Bukidnon province. She also issued an executive order to review the operation of the NCIP.

Other measures have affected indigenous communities in adverse ways. The 1995 Mining Act promoted mining operations, hydroelectric dams, and other large-scale projects that forced indigenous people to relocate and abandon farming and hunting land that they have used for generations.

Indigenous people continued to face legal threats to their claims to ancestral lands from developers, mining interests, and local political interests. There were reports that in October armed guards employed by an agricultural company forcibly dispersed 33 families of the T'boli and B'laan tribes in South Cotabato province from what the tribes claimed was their ancestral land. The Higaonon people in Mindanao claim that they continue to be deprived of portions of their ancestral land by a powerful local landowning family that forced their removal through a violent demolition conducted by the PNP and private security forces in 1997. The Catholic Bishops Conference of the Philippines continues to express concern over the effects of existing and planned large-scale mining on the land of the many indigenous people of Mindanao.

#### Religious Minorities

At least 5 million Muslims, who constitute approximately 7 percent of the population, reside principally in Mindanao and nearby islands and are the largest single minority group in the country. Historically they have been alienated from the dominant Christian majority, and government efforts to integrate Muslims into the political and economic fabric of the country have met with only limited success. The national culture, with its emphasis on familial, tribal, and regional loyalties, creates informal barriers whereby access to jobs or resources is provided first to those of one's own family or group. Muslims report that they have difficulty renting rooms in boarding houses or being hired for retail work if they use their real name or wear distinctive Muslim dress. Some Muslims therefore use a Christian pseudonym and do not wear distinctive dress when applying for housing or jobs. Muslims continue to be underrepresented in senior civilian and military positions. Provinces in Mindanao that are predominantly Muslim lag behind the rest of the region in almost all aspects of socioeconomic development.

Christian and Muslim communities live in close proximity throughout central and western Mindanao and, in many areas, their relationship is harmonious. However, efforts by the dominant Christian population to settle in traditionally Muslim areas, particularly over the past 60 years, have brought resentment from some Muslim residents. Muslims view Christian proselytizing as an extension of an historical effort by the Christian majority to deprive them of their homeland and cultural identity as well as their religion. Christian missionaries work in most parts of western Mindanao, often within Muslim communities.

Although Christian-Muslim relations remained strained, they improved during the year, due mainly to such Government actions as the renewed efforts to negotiate with the separatist MILF, the appointment of a Muslim cabinet secretary, the declaration of Eid al-Fitr as a national holiday, and increased assistance to Muslims making the Hajj. However, the Government's crackdown on the terrorist ASG, beginning in July, led to accusations by many human rights NGO's of police and military abuses (see Section 1.b.).

In June the Government reached agreement with the MILF to cooperate on efforts to resettle displaced persons and undertake development projects in areas of conflict. In August the parties signed a cease-fire agreement, and, despite intermittent clashes, the agreement remained in effect at year's end. Direct talks were stalled; however, both sides reportedly were seeking a resumption of negotiations. Government efforts to reintegrate former MNLF insurgents into society continued.

A largely free, fair, and peaceful plebiscite for an expanded ARMM, called for in the 1996 peace agreement between the Government and the MNLF, was held in August, with one additional province and one additional city voting to join the ARMM regional government. However, prior to the November 26 election for ARMM officials, more than 80 persons were killed and many more wounded when MNLF members loyal to outgoing ARMM Governor Nur Misuari attacked an AFP outpost in Sulu. Misuari fled to Malaysia in late November, where he was being held for illegal entry and pending extradition at year's end (see Sections 1.a. and 3).



On January 4, police in Manila arrested 16 Muslims and 1 Christian in connection with 5 bombings on December 30, 2000. The bombings had killed 20 civilians and 2 police officers. The Government released all but one of the suspects, and stated that there was no evidence to support holding them. The Government also dropped charges in connection with the bombings filed by the Estrada Government against the top leaders of the MILF.

## Section 6 Worker Rights

### a. The Right of Association

The Constitution and laws provide for the right of workers, including most public employees, with the exception of the military and the police, to form and join trade unions. Trade unions are independent of the Government. Unions have the right to form or join federations or other labor groups.

There are 176 registered labor federations and more than 9,700 private sector unions, a small increase over 2000. The 3.6 million union members represent 11 percent of the total workforce of 33 million. The number of firms using contractual labor, primarily large employers, continued to grow.

As of September, the Bureau of Labor Relations had registered 875 public sector unions, compared with 691 at the end of 2000. Total public sector union membership was nearly 200,000 up 13 percent from 2000.

Subject to certain procedural restrictions, strikes in the private sector are legal. However, unions are required to provide strike notice, respect mandatory cooling-off periods, and obtain majority member approval before calling a strike. By law the reason for striking must be relevant to the labor contract or the law, and all means of reconciliation must be exhausted. The Secretary of Labor and Employment may intervene in some labor disputes by assuming jurisdiction and mandating a settlement if the Secretary decides that the industry involved in the strike is vital to national security.

The National Conciliation and Mediation Board (NCMB) reported 43 strikes during the year down from 60 in 2000. There were nearly 207,000 workdays lost to strikes, compared with nearly 320,000 in 2000. The average duration of strikes increased to 37 days from 26 days in 2000.

Notable strikes during the year included a strike in March and April against Toyota Philippines, which ended when labor and management agreed to compulsory arbitration. In August the employees of the Social Security Service (SSS), supported by demonstrators affiliated with the Communist Party, staged an apparently illegal 3-day work stoppage demanding the ouster of the SSS head and an end to certain SSS policies. The situation was defused when the SSS head accepted a transfer to another government position. In October and November, a union affiliated with the Communist Party conducted an illegal strike against Nissan Philippines, which ended when union members, who had not participated in the picketing, voluntarily returned to work.

During the year, the NCMB intensified its efforts to promote labor management cooperation and voluntary arbitration. A number of threatened strikes against local operations of several multinational corporations were averted through its services.

The Labor Code provides that union officers who knowingly participate in an illegal strike may be dismissed and, if convicted, imprisoned for up to 3 years. However, according to the DOLE, there never has been a conviction under this provision.

The ILO Committee of Experts criticized laws that place undue restrictions on the right to strike in nonessential services. The Committee also remained concerned regarding the imposition of penalties in cases in which strikes were deemed illegal, the restrictions on the right of government workers to strike, and restrictions on the right to organize and form a bargaining unit.

There again were allegations of routine management intimidation of union members, particularly in Special Economic Zones (SEZ's) (see Section 6.b.).

Unions have the right to affiliate with international trade union confederations and trade secretariats. Two of the largest trade union federations, the Trade Union Congress of the Philippines and the Federation of Free Workers, are affiliated with the International Confederation of Free Trade Unions (ICFTU) and the World Confederation of Labor, respectively.

The ICFTU has claimed that a union may be registered only if it represents at least 20 percent of workers in a

bargaining unit, and that the law requires an excessively high number of unions before a federation or national center can be formed.

#### b. The Right to Organize and Bargain Collectively

The Constitution provides for the right to organize and bargain collectively. The Labor Code provides for this right for employees both in the private sector and in government-owned or controlled corporations. A similar right is afforded to most government workers. The number of workers covered by collective bargaining agreements fell to 465,000 or about 13 percent of union members.

Allegations of intimidation and discrimination in connection with union activities are grounds for review as possible unfair labor practices before the quasi-judicial National Labor Relations Commission (NLRC). However, unions maintain that widespread ignorance of basic standards and rights is a major obstacle to union organization. Before disputes reach the NLRC, the DOLE provides the services of the NCMB, which settles most of the unfair labor practice disputes raised as grounds for strikes before the strikes may be declared. DOLE through the NCMB also worked to improve the functioning of labor-management councils in companies that already have unions.

Trade union officials report that underpayment of the minimum wage and the use of contracting to avoid required benefits were common practices, including in the SEZ's. Dismissal or threatened dismissal of union members also was common, and there were reports that some workers were terminated after merely speaking with union organizers. There were reports that some companies offered cash to employees who agreed to identify union organizers. Some companies reportedly ordered overtime to disrupt union meetings.

Labor law applies uniformly throughout the country, including the SEZ's, in which tax benefits are used to encourage the growth of export industries. However, local political leaders and officials who govern the SEZ's have attempted to frustrate union organizing efforts by maintaining union free/strike free policies. A conflict over interpretation of the SEZ law's provisions for labor inspection has created further obstacles to the enforcement of workers' rights to organize. Despite objections from the DOLE, SEZ local directors claim authority to conduct their own inspections as part of the zones' privileges intended by Congress. Hiring often is controlled tightly through SEZ labor centers, in which political ties to local figures play a role in gaining job eligibility. Despite sporadic labor unrest and some organizing efforts, union successes in the SEZ's have been few and marginal. Some mainstream unions avoid a major unionizing effort in the lower wage SEZ industries, such as the garment industry. They consider it unpromising in view of both the organizers' restricted access to the closely guarded zones and the rapid turnover of the young, mainly female staff who work on short-term contracts in the zones' many electronics and garment factories. There were reports that some companies in SEZ's locked toilets during working hours, except at break time.

#### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced labor, including forced and bonded labor by children; however, despite the Government's efforts, there were some reports of forced and bonded labor, especially by children, mainly in prostitution, drug trafficking, and other areas of the informal sector, as well as trafficking in women and children for prostitution (see Sections 5, 6.d., and 6.f.). The legal minimum age for employment as a domestic worker is 15; over 300,000 children 17 years of age or younger, including many under 15 are so employed. Some recruiters reportedly bring girls between the ages of 13 and 17 to work in Manila or Cebu under terms that involve a "loan" advanced to their parents that the children are obliged to repay through their work. The DOLE continued to address the problem of underage workers in family work settings by prosecutions and fines of violators (see Sections 6.d. and 6.f.).

#### d. Status of Child Labor Practices and Minimum Age for Employment

The law prohibits the employment of children under the age of 15, except under the direct and sole responsibility of parents or guardians, or in cases in which employment in cinema, theater, radio, or television is essential to the integrity of the production. The law allows employment of those between the ages of 15 and 18 for such hours and periods of the day as are determined by the Secretary of Labor, but forbids the employment of persons under 18 years of age in hazardous or dangerous work. However, a significant number of children are employed in the informal sector of the urban economy or as unpaid family workers in rural areas, some as bonded laborers (see Sections 5, 6.c., and 6.f.). According to a 1995 government survey, there are at least 3.7 million working children, approximately 2 million of whom are exposed to hazardous working environments. Trafficking in children is a serious problem (see Section 6.f.).

There are few child labor violations in the formal manufacturing sector. The Employers Confederation of the

Philippines pursues an active and highly visible program against child labor. Most child labor is in the informal sector, most often in family settings, and the Government rarely if ever seeks to prosecute a poor family because they have a working child.

In 1999 the DOLE issued an updated list of hazardous and deleterious work that is prohibited for persons under the age of 18. The DOLE and other agencies continue to work closely with UNICEF and the International Program on the Elimination of Child Labor (IPEC) to reduce violations of child labor laws.

Efforts to address the practice of employing children as divers in dangerous conditions on coral reef fishing vessels met with mixed success. In February seven minors employed as divers escaped from two fishing boats in Palawan. In April 56 boat operators signed an agreement with the Government not to employ minors. In October a provincial prosecutor in Palawan withdrew charges of employing minors brought against a fishing company because the children had not been recruited by the employer and had represented themselves as being of legal age. The ILO-IPEC project to address this issue facilitated the signing of an agreement on procedures for eradicating child labor in deep-sea fishing in Negros Oriental province in October.

Mindanao plantations growing bananas for export frequently used children as day laborers in trimming and fertilizing plants and in clearing irrigation ditches.

The DOLE works with domestic NGO's to educate communities on child labor and provides counseling and other activities for children. It uses fines and criminal prosecutions for child labor violations in the formal sector, such as in manufacturing. The DOLE continued its efforts to rescue exploited child workers, and during the first half of the year, nearly 100 minors were rescued in 34 different operations. In June eight minors, some as young as 14 years old, were found working as fertilizer baggers at a port area in La Union province. In July 10 minors were rescued from a noodle factory in Pangasinan, where they were employed in sweatshop conditions. In August two minors were rescued from a pottery factory in Batangas. In October 18 minors, again some as young as 14 years old, were rescued from a cosmetics firm in Valenzuela City. Several rescues involved minors working as prostitutes. In such cases, the minors rescued were turned over the Department of Social Welfare and Development, and criminal charges were filed against the employers. Routine inspection through September found 11 business establishments nationwide employing a total of 26 children. Inspection statistics from 1996 through 2001 show a steady decline in the number of child labor violations, possibly reflecting increased public awareness of child labor laws.

In February a court in Quezon City convicted a bar owner of employing minors to perform lewd shows. In May a court in Bulacan convicted a manufacturer of abusing six minor workers. In both cases the courts imposed a 6- to 8-year prison sentence. Cases against several others accused of employing minors were pending at year's end.

Children reportedly continue to be employed illegally on the docks of some Mindanao and Visayan ports, although there were no specific reports of such labor during the year. Working at a piece rate in the unloading of bulk cargo they are exposed to harmful dust and chemicals in the ships' holds. The children earn far less than adults would demand for the same work.

The DOLE and the Department of Education, Culture, and Sports work with NGO's and international organizations such as the UNICEF and IPEC to assist children to return to school. In May President Macapagal-Arroyo committed the Government to implementing ILO Convention 182 through the ILO-IPEC Time-Bound Program, and the National Economic Development Authority has integrated TBP implementation as a priority item in the 2001 to 2004 Philippine National Development Plan.

The law prohibits forced and bonded labor by children; however, despite government enforcement efforts, there were reports of its use, mainly in the informal sector and prostitution (see Sections 6.c. and 6.f.).

#### e. Acceptable Conditions of Work

Tripartite regional wage boards set minimum wages. A round of wage increases was implemented in most regions of the country late in the year. The highest rates are in the National Capital Region (NCR) and the lowest in rural regions. The minimum daily wage for NCR nonagricultural workers is about \$5.60 (280 pesos), which does not provide a decent standard of living for a worker and family. At this pay level, at least two family members would have to work full-time to support a family of six above the level of the Government's minimum daily cost of living for the Manila area. The lowest minimum wages are in the ARMM, where the daily agricultural wage is \$2.60 (131 pesos). Large numbers of workers receive less than the minimum wage set for their area.

Regional wage board orders cover all private sector workers except domestic servants and other persons employed in the personal service of another person. Boards outside the NCR exempted some employers because of factors such as establishment size, industry sector, involvement with exports, financial distress, and level of capitalization. These exemptions excluded substantial additional numbers of workers from coverage under the law. Unions have filed complaints about the minimum wage exemption policies.

Violation of minimum wage standards is common. Many firms hire employees at below the minimum apprentice rates, even if there is no approved training in their production-line work. DOLE officials estimate a 30 to 40 percent noncompliance rate with the minimum wage requirement and acknowledge that the shortage of inspectors makes the law difficult to enforce. In addition to fines, the Government also makes use of administrative procedures and moral suasion to encourage voluntary employer correction of violations. Complaints about nonpayment of social security contributions, bonuses, and overtime are particularly common with regard to companies in SEZ's.

By law the standard legal workweek is 48 hours for most categories of industrial workers and 40 hours for government workers, with an 8-hour per day limit. An overtime rate of 125 percent of the hourly rate is mandated on ordinary days and 130 percent on rest days and holidays. The law mandates a full day of rest weekly. However, there is no legal limit on the number of overtime hours that an employer may require. The DOLE manages enforcement of workweek hours through sporadic inspections.

Several NGO's seek to protect the rights of the country's 7.4 million workers employed overseas. The Government places financial sanctions and criminal charges on domestic recruiting agencies that are found guilty of unfair labor practices. Although the Philippine Overseas Employment Agency has registered and supervised domestic recruiters' practices successfully, the Government often is unable to ensure workers' protection overseas. It seeks cooperation from receiving countries and proposes migrant worker rights conventions in international forums. The Government also provides assistance through its diplomatic missions in countries with substantial numbers of migrant workers. In April President Gloria Macapagal-Arroyo ordered the allocation of a \$1.6 million (80 million pesos) fund to assist Filipino workers facing legal problems abroad.

The law provides for a comprehensive set of occupational safety and health standards. The DOLE has responsibility for policy formulation and review of these standards, but with only 260 positions allocated for inspectors nationwide, actual enforcement often is carried out by local authorities. DOLE officials acknowledge that their 253 inspectors are not adequate for the number of work sites in need of visits. DOLE has launched a campaign to promote safer work environments in small enterprises called Work Improvement in Small Enterprises. Statistics on actual work-related accidents and illnesses are incomplete, as incidents (especially in agriculture) are underreported. Workers do not have a legally protected right to remove themselves from dangerous work situations without risking loss of employment.

The labor laws protect foreign workers in the country. Foreign workers must obtain work permits and may not engage in certain occupations. Typically the conditions they work under are better than those faced by citizens.

#### f. Trafficking in Persons

The law does not specifically prohibit trafficking in persons, and trafficking in persons is a serious problem (see Sections 5, 6.c., and 6.d.). The Government used five laws against related illegal commerce to address and prosecute trafficking. On October 24, the Senate ratified the U.N. Convention against Transnational Organized Crime and its two protocols on human trafficking and smuggling. The Philippines is a source, transit point, and, to a lesser degree, destination country for trafficking in persons. Internal trafficking is also a problem.

Over the past decade, approximately 150,000 Filipino women reportedly have been trafficked into prostitution in Asia (particularly Japan), Europe, and North America. Tens of thousands of men and women from mainland China are trafficked through the country, to other parts of the world, including to Pacific island nations and the United States. A relatively smaller number of adults and a larger number of children are trafficked within the country by illegal recruiters. Children from poor rural areas are brought to major urban centers for purposes of sexual exploitation and to work as domestic servants. Some recruiters reportedly bring girls between the ages of 13 and 17 to work as servants under terms that involve a loan advanced to their parents that the children are obliged to repay through their work (see Sections 5, 6.c., and 6.d.). This internal economic migration is viewed widely as a socially acceptable means of upward economic mobility for rural and poor families. Children and young women typically are trafficked internally from rural areas to Manila and other urban centers. According to unconfirmed reports a number of Filipinos from the southern part of the country are recruited to Singapore with promises of employment as seafarers. Once there, they are impressed aboard Taiwan-owned fishing boats, which fish the Andaman Sea and the Indian Ocean, their passports are confiscated and they often are paid little or no wages.

The traffickers of Chinese nationals typically are Chinese international organized crime gangs, and local employment recruitment agencies generally traffic citizen victims. There is no known evidence that government agencies facilitate, condone, or are otherwise complicit in trafficking; however, corruption is pervasive, and some government officials such as customs officers, border guards, immigration officials, and local police receive bribes from traffickers.

Many women seek employment overseas and are particularly vulnerable to exploitation by recruiters who promise attractive jobs or, in some cases, arrange marriages with foreign men, often via Internet-based mail-order-bride schemes. Some eventually work as prostitutes or suffer abuse by their foreign employers or husbands. Those recruited to work as maids, entertainers, or models overseas may be forced to participate in public shows or dances in which nudity and the prospect of sex are the principal attractions to clients. Other persons knowingly accept questionable jobs to support parents, children, or siblings with their remittances. Victims of trafficking, typically single women between the ages of 20 and 29, variously report being confined or detained, denied money or food, being held in debt servitude, deprived of normal social interaction, and forced to work long hours. Some report never being paid at all.

There were reports of the sexual exploitation of children. Despite government efforts at law enforcement and expanded children's programs, it is estimated that some 60,000 children are involved in the commercial sex industry. Most of these children were girls, and nearly all have dropped out of school. Children in the "entertainment industry" work long (10 to 12), odd hours from evening until early morning. Typically they come from families with unemployed or irregularly employed parents.

There were no prosecutions for trafficking in persons during the year; however, more than 1,900 victims filed complaints of illegal recruitment during the year, an increase of 36 percent over 2000. Seven recruiters were convicted of illegal recruitment with four sentenced to life imprisonment. In a case involving the attempted smuggling of Chinese nationals to destinations in North America, the authorities arrested 13 persons of various nationalities. Five citizens were arrested for child abuse and the transportation of female children for immoral purposes in a case involving the recruitment of children to serve as prostitutes for foreign tourists.

The DSWD, which is the lead agency in public assistance to victims of trafficking, continued to provide temporary shelter and counseling to women engaged in prostitution, but officials believe that this helped only a small number of victims of illicit recruitment (see Section 5). It also offered livelihood skills development and other services. DSWD officials noted that the number rescued failed to reflect the true extent of the prostitution problem since it reflected only those who obtained temporary shelter and counseling through the DSWD and local governments.

The 1995 Migrant Workers and Overseas Filipinos Act was enacted to provide the Government with greater financial resources and improved authority to combat such problems. However, NGO's believe that such measures have been inadequate, since traffickers remain numerous and effective in luring women with promises of lucrative overseas contracts.

The National Commission on the Role of Filipino Women is the Government's lead agency on women's issues, including trafficking. Its principal function is to coordinate the implementation of government programs on the integration of women in national development. It monitors compliance with laws on equal treatment and protection of women and serves as a clearinghouse for related information.

In 1999 the Department of Foreign Affairs established an internal task force on trafficking in persons. Within the DOLE, the Bureau of Women's Affairs, the Overseas Workers Welfare Administration, and the Philippine Overseas Employment Administration (POEA) address different aspects of the trafficking problem. The POEA, as part of the DOLE, continued its efforts to end illegal recruiting. At year's end, it had closed 28 firms for illegal recruitment, an increase of 154 percent over the previous year. It also has raised the age, educational requirements, and professional standards for young women seeking jobs abroad. Several Cabinet departments, presidential commissions, and legislators also are involved in vigorous public awareness campaigns.

The CHR investigates violations of the rights of trafficking victims and establishes cases for prosecution. It conducts public information and sectoral education campaigns, and provides human rights training for other government agencies, including the PNP.

The Government, in cooperation with the U.N. Center for International Crime Prevention has implemented a pilot project, "Coalitions against Trafficking in Human Beings in the Philippines." The project's action plan outlines a 2-year strategy for improving interagency coordination, strengthening law enforcement, and developing strategies to assist victims.